

FILED

NOV 4 2019

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMAM. J. ... Court, Clerk  
U.S. DISTRICT COURTSpencer Thomas Cato

Plaintiff

19 CV 594 GKF - FHM

vs.

Case Number:  
(To be supplied by Court Clerk)Ciera FreemanBrian Boehm

Defendant(s)

Current Location (including Address) of Confinement :

Tulsa County Jail - David L. Moss  
300 North Denver Avenue  
Tulsa, OKla. 74103

Prisoner Number:

#1162025

## CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

## A. Parties

1) Spencer Cato is a citizen of Oklahoma who presently resides at  
(Plaintiff) (State)  
Tulsa County Jail - David L. Moss 300 North Denver Ave Tulsa, OK 74103  
(Mailing address or place of confinement)

2) Defendant Ciera Freeman is a citizen of Tulsa, Oklahoma,  
(Name of first defendant) (City, State)  
and is employed as Private Attorney - Private Practice  
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ Yes ☐ No

If your answer is yes, briefly explain: She was paid and hired as my defense Attorney in two open charges pending against the plaintiff.

3) Defendant Brian Boehm is a citizen of Tulsa, Oklahoma,  
(Name of second defendant) (City, State)  
and is employed as Private Attorney - Private Practice  
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☐ Yes ☐ No

If your answer is yes, briefly explain: He was paid and hired as my defense Attorney.

[You may attach one additional page (8 1/2" x 11") to furnish the above information for additional defendants.]

**B. Jurisdiction**

1) Jurisdiction is asserted pursuant to: (Check one)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ *Bivens v Six Unknown Named Agents of Fed. Bureau of Narcotics*  
403 U.S. 388 (1971) and 28 U.S.C. §1331 (applies to fed. prisoners)

2) Jurisdiction also is invoked pursuant to 28 U.S.C. §1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

\_\_\_\_\_  
\_\_\_\_\_

**C. Nature of Case**

1) Briefly state the background of your case. See Negligence claim  
attachment (2 pages)

\_\_\_\_\_

**D. Cause of Action**

1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: [If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.]

a) (1) Count I: Legal Malpractice

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) (1) Count II: Negligence

\_\_\_\_\_  
\_\_\_\_\_

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

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c)

(1) Count III:

Legal injury

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- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

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**E. Request for Relief**

- 1) I believe that I am entitled to the following relief:

Actual and Punitive  
Damages and injunctive relief.

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Original Signature of Attorney (if any)

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Attorney's full address and telephone number

A. Cato - Spencer Cato  
Original Signature of Plaintiff

**DECLARATION UNDER PENALTY OF PERJURY**

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746. 18 U.S.C. §1621.

Executed at David L. Moss 300 N. Denver Ave on 10/25/2019.  
(Location) Tulsa, Oklahoma (Date)  
74103 [Signature] - Spencer Cato  
(Original Signature of Plaintiff)

10/25/2019

Cause of Action

- 1) Ciera Freeman and Brian Boenheim are attorneys and practice law from their private law firm in Tulsa, Oklahoma.
- 2) Spencer Cato hired and paid Ciera Freeman and Brian Boenheim to be private attorneys in two of his criminal cases, provided contacts information.
- 3) Ciera Freeman entered as Spencer Cato attorney for two criminal cases on August 10<sup>th</sup>, 2017. In Tulsa County District Court.
- 4) On January 18<sup>th</sup>, 2018 in my 2016 Case Brian Boenheim entered as my representation on DCIS (Court minutes).
- 5) On October 26<sup>th</sup>, 2018 two bench warrants for failure to appear were order, with an additional New criminal charge with a warrant of Arrest filed against Spencer Cato for Domestic Assault and Battery by Strangulation.
- 6) Spencer Cato was out on Bond for both CF-2016-3700 posted 6/24/2016 and CF-2017-3445 posted 7/31/2017.



- 7) On October 26th, 2018 an Court appearance for Spencer Cato in Tulsa County District Court was in session in front of Judge William LaFortune, Spencer Cato was not present during hearing and Ciera Freeman and Brian Boehheim did not contact client Spencer Cato to be present.
- 8) On November 1<sup>st</sup>, 2018 the Tulsa County District Court issued bench warrant for failure to appear against Spencer Cato.
- 9) On November 5<sup>th</sup>, 2018 Spencer Cato visit the law offices of Boehheim and Freeman of Ciera Freeman and Brian Boehheim to make additional installment payments at that moment Ciera Freeman for the first time inform Client Spencer Cato of and New Charges being filed.
- 10) On November 15<sup>th</sup> Spencer Cato during a Court hearing in Judge LaFortune Courtroom was place in Custody for New Charges with Warrant of Arrest and two Bench Warrants.

"Person injury" &

10f2

"Negligent offense"

\* Negligence - Legal Malpractice - Legal injury \*  
irreparable Damages  
Negligence Claim

(1) Ciera Freeman and Brian Boenheim were both hired as paid private attorneys for CF-2016-3700 and CF-2017-3415 cases and their duty to represent me in the Courts of law in a professional manner failed. (2) Breach of duty occurred when the Attorneys:

egligence to Communicate with their Client came about for an Oct. 26, 2018 Court appearance resulted in a failure to appear, when a reasonably prudent person - Attorney would have made every effort to ask the Judge for time to contact their client to make it to Court before an final decision was made by the Judge to file bench warrant(s) for failure to appear. Also in regard to CF-2018-4917 the client was not inform by his legal Attorneys that New charges were filed against him until he went to make a legal fee payment at the office of Boenheim Freeman Law firm on (11-05-18) Nov. 5, 2018.

(3) The damages of legal injury are: the client was taken in to custody on Nov. 15, 2018 for failure to appear and New charges (CF-2018-4917) which result from the

(4) Chain of Causation from the Attorneys actions or lack of action to inform client.

Spencer Thomas Cato

10/22/2019

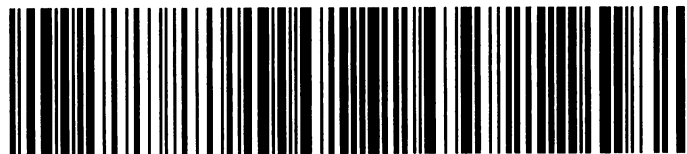
Spencer Thomas Cato will be referred to in this Summary as client describing the negligence, legal malpractice, and legal injury claim.



DLM Mailroom  
300 N Denver Ave  
Tulsa, OK 74103

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USPS CERTIFIED MAIL



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UNITED STATES NORTHERN DISTRICT COURT CLERK  
333 W 4TH ST STE 411  
TULSA OK 74103-3819

FIRST-CLASS MAIL

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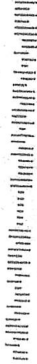
10/26/2019

Post marked 10-25-19  
AG

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Mark C. McGarr, Clerk  
U.S. DISTRICT COURT